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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,204	03/12/2004	Steven Van der Hoeven	FORTI100	2510
44654 7590 01/08/2008 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705				
EXAMINER				
TAKLE, MESEKER				
ART UNIT		PAPER NUMBER		
2174				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,204

Applicant(s)

VAN DER HOEVEN, STEVEN

Examiner

MESEKER TAKELE

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the Amendment filed 11/26/2007.
2. Claims 24 - 47 are pending in this application. Claims 24 and 27 are independent claims. Claims 24 and 27 were amended, claims 30 - 47 were added and claims 1-23 are cancelled. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panagrossi (US Patent Number 6,104,317) in view of Hinckley et al. ("Hinckley", US Pub No.: 2006/0028455).

As to claim 24, Panagrossi discloses a method for an interface for data entry (col., 1, line 6 and Figure 5), comprising detecting an input with respect to the interface wherein detecting the input (abstract) comprises detecting a press in a first zone of a set of zones (col., lines, 50-55), detecting a release in a second zone of the set of zones (col., 2 line 50-56 and Figure 6) and detecting a movement between the press and release (col.,

Art Unit: 2174

3 line 2 and col., 4, lines, 50-55) wherein detecting the movement further comprises detecting entering or leaving one or more of the set of zones between the press in the first zone and the release in the second zone (col., 2, lines, 34-35 and Figure 4b) and contact is maintained with the interface between the press in the first zone and the release in the second zone (Figure 6 (element 22, 24, 25, 21); and associating a semantic meaning with the input based on a set of semantic meanings associated with the first zone, wherein the semantic meaning is selected from the set of semantic meanings based on the second zone (Figure 1 and 2).

However Panagrossi does not explicitly disclose wherein at least one of the set of zones is non-contiguous with at least one other of the set of zones.

Hinckley from the similar field of endeavor disclose wherein at least one of the set of zones is non-contiguous with at least one other of the set of zones (abstract, col., 6 lines, 60-61 and col., 9 lines 52-58). It would have been obvious to one ordinary skill in the art at the time of the invention was made to have modified Panagrossi's teaching with the teaching of Hinckley. The motivation to combine provides a touch-sensitive device with regions having improved shapes and/or configurations.

As to claim 25, Panagrossi discloses wherein associating a semantic meaning with the input comprises: grouping each of the set of zones into one of a set of selection zones (Figure 1 and 2), wherein each of the set of selection zones is associated with a corresponding one of the set of semantic meanings associated with the first zone (Figure 1 and 2; and determining which of the set of selection zones the second zone is associated with (col., 4 lines, 37-43).

As to claim 26, Panagrossi discloses wherein each of the set of semantic meanings

is displayed on the interface in conjunction with the first zone (Figure 1) wherein each of the set of semantic meanings is displayed in a corresponding location of the first zone and each of the set of selection zones corresponds with one of the corresponding locations (Figure 1).

Claims 27-29 are similar in scope to claims 24-26 respectively, and are therefore rejected under similar rationale.

As to claim 30, Hinckley discloses wherein the set of zones comprises a set of interkey zones and a set of key zones, wherein no two key zones are contiguous, and each key zone is contiguous with at least one interkey zone (abstract, col., 6 lines, 60-61 and col.,9 lines, 52-58).

6. Claims 31-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panagrossi (US Patent Number 6,104,317) in view of Hinckley et al. ("Hinckley", US Pub No.: 2006/0028455) and in further in view of Sirkin (US Patent No.: 5,059,048).

As to claim 31, the modified Panagrossi does not explicitly disclose set of zones is arranged in a set of rows.

Sirkin from the similar field of endeavor discloses set of zones is arranged in a set of rows (Figure 1).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to have modified the modified Panagrossi's teaching with the teaching of Sirkin. The motivation to combine provides a keyboard permitting data input with only one hand in which the keys are arranged in non-alphabetic order. This keyboard contains at least four vertical columns of keys, at least six horizontal rows of

Art Unit: 2174

keys, at least 26 data entry keys, at least 11 different multiple-function keys, and at least 3 command keys.

As to claim 32, Sirkin discloses wherein the set of rows forms at least one concentric curve (Figure4).

As to claim 33, Sirkin discloses wherein each row has key zone at each end, and there is an interkey zone between each key zone in the row (Figure 4).

As to claim 34, Hinckley discloses wherein each interkey zone overlaps with at least the two adjacent key zones with which it is contiguous (col., 1 line, 55 and abstract).

As to claim 35, Hinckley discloses wherein every part of each interkey zone is associated with one of the at least two adjacent key zones with which it is contiguous (abstract).

As to claim 36, Panagrossi discloses wherein the association is based on the movement (Figure 4B and col., 4 line, 24).

As to claim 37, Panagrossi discloses forming a discrete message containing the first zone corresponding to the initial press and the second zone corresponding to the release (Figure 3A and 3B).

As to claim 38, Panagrossi discloses associating the semantic meaning based on the discrete message (col., 3 lines, 36-54).

Claims 40-47 are similar in scope to claims 30-37 respectively, and are therefore rejected under similar rationale

Response to Arguments

7. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MESEKER TAKELE** whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM-5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **DAVID WILEY** can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2174

/M. T./

Examiner, Art Unit 2174

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174